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House of Representatives
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January 29, 2019

Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

Honorable Charles Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

Honorable Lindsey Graham
Chairman
Judiciary Committee
United States Senate
Washington, D.C. 20510

Honorable Dianne Feinstein
Ranking Member
Judiciary Committee
United States Senate
Washington, D.C. 20510

Dear Majority Leader McConnell, Leader Schumer, Chairman Graham and Ranking Member Feinstein:

We write to you to express our deep concern and strong opposition to President Trump's nomination of William Barr for U.S. Attorney General. The mission of the Department of Justice is to enforce the law and ensure "fair and impartial administration of justice" for all. The American people deserve an Attorney General that will uphold and protect the rights of all those living in the United States. Unfortunately, based on a number of concerning statements and viewpoints from Mr. Barr, it is clear that he does not meet these critical standards.

At a time when the American public and Congress have recognized the need for criminal justice reform and passed into law the First Step Act to help move this process forward, Mr. Barr's record indicates this runs counter to his ideological commitment, particularly when it comes to minority communities. For example, in 1992, Mr. Barr made the comment that the U.S. was incarcerating "too few" criminals at a time when the U.S. led the world in mass incarcerations. Additionally, Mr. Barr has stated in the past that the criminal justice system is fair and does not treat people unfairly when it comes to targeting and sentencing certain communities. A number of studies^{1,2,3} have found this statement to be absolutely false: Minorities are more likely to be targeted for arrest, more likely to be convicted and, once convicted, are more likely to receive longer prison sentences. It is deeply concerning for a potential Attorney General to espouse views that run counter to the realities of our current criminal justice system.

¹ <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>

² <https://slate.com/news-and-politics/2015/08/racial-disparities-in-the-criminal-justice-system-eight-charts-illustrating-how-its-stacked-against-blacks.html>

³ <https://www.americanprogress.org/issues/race/news/2015/05/28/113436/8-facts-you-should-know-about-the-criminal-justice-system-and-people-of-color/>

For over two years, we have seen the Trump administration enact particularly cruel policies that target asylum seekers, immigrants and refugees as they seek protection in the United States. Under then-Attorney General Jeff Sessions, we saw the implementation of a number of draconian policies that included the zero tolerance policy that separated thousands of children from their parents at the border, attempted changes to the definition of asylum that are currently being held at bay by the courts and prosecuting asylum seekers that cross between ports of entry. Based on Mr. Barr's record, it appears that he would pursue many similar policies and even congratulated Mr. Sessions on a "job well done."⁴ Moreover, at his confirmation hearing, Mr. Barr refused to acknowledge the Justice Department's responsibility for family separation. When the vast majority of Americans have resoundingly rejected these policies and with many ultimately being reversed or overturned by the courts, we need an Attorney General that will challenge this administration on policies that run counter to our American values. Unfortunately, Mr. Barr has made his stance on current asylum law clear: In the past he has stated that so-called "abuse" of asylum law is "one of the biggest problems we have with immigration." At a time when we have a humanitarian crisis at the border, we need an Attorney General that will abide by the law. Based on past statements and actions from Mr. Barr on asylum seekers and particularly his unlawful handling of Haitian refugees, it is clear that Mr. Barr does not reflect the American public's view of the protections that should be afforded to immigrant communities.

Finally, following the longest government shutdown in U.S. history due to President Trump's demand for nearly six billion dollars for an unnecessary, ineffective and costly border wall, we need an Attorney General that will be able to provide a call to reason for smart and effective border security. Unfortunately, Mr. Barr has shown that he would be supportive of President Trump's ineffective and dated means of securing the border, including calls for physical barriers. During his confirmation hearing, Mr. Barr argued that building a wall was necessary to eradicate drug smuggling into the country though he acknowledged that the vast majority of drugs that enter across our southwest border come through ports of entry.

Based on Mr. Barr's record, there is little doubt that he will side with the Trump Administration on a number of issues that have been rejected by the American public. We therefore strongly urge you to oppose Mr. Barr's nomination. The Attorney General of the United States should have a demonstrated record of protecting the rights of all Americans, including immigrants and communities of color, and in Mr. Barr's own words and history that is not the case.

Sincerely,

⁴ https://www.washingtonpost.com/opinions/jeff-sessions-can-look-back-on-a-job-well-done/2018/11/07/527e5830-e2cf-11e8-8f5f-a55347f48762_story.html?noredirect=on&utm_term=.e6d270831f85



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Congressional Hispanic Caucus
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First Vice-Chair



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Congressional Hispanic Caucus
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